

OPINION
51-56

September 24, 1951 (OPINION)

EDUCATION

RE: Payment of High School Tuition to Teachers Colleges Maintaining

Your letter of September 22, 1951, received, wherein you refer to the conference had in our office regarding the payment of high school tuition from the equalization fund to the teachers colleges at Minot, Valley City, and Dickinson on whose campuses you operate elementary schools and high schools in connection with the teacher-training program.

You ask whether or not the above-named institutions are entitled to receive payments under the terms of chapter 136 of the 1951 Session Laws.

You state that your teachers colleges are receiving payment from the equalization fund for all elementary pupils now enrolled.

In your letter you refer to an opinion written on July 25, 1949, by then assistant attorney general, and now judge of the supreme court, P. O. Sathre. His opinion dealt with chapter 332 of the 1949 Session Laws and with particular reference to section 3 thereof, and the gist of that opinion was that the payment referred to in the 1949 law, and by the same token the one referred to in chapter 136 of the 1951 Session Laws, follows the pupil, and that if a teachers college maintains a school and the pupils of the school district attend such school regularly during the school year then the college would be entitled to the payments provided for in chapter 136 of the 1951 Session Laws.

We concur in the opinion issued by Judge Sathre, and we therefore hold that the payments follow the pupil and that the colleges are entitled to the payments referred to in your letter.

ELMO T. CHRISTIANSON

Attorney General